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MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Amador Hernandez

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

08CV 4580
JUDGE BUCKLO
MAGISTRATE JUDGE ASHMAN

vs.

Case no. _____
(To be supplied by the Clerk of this Court)

M. Lia Posada

"19 Unknown" F.B.I. Agents

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☐ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☒ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

I. Plaintiff(s):

- A. Name: Amador Hernandez
- B. List all aliases: N-A
- C. Prisoner identification number: 22382-424
- D. Place of present confinement: Metropolitan Correction Center-Chicago
- E. Address: 71 West Van Buren, Chicago, IL 60605

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: M. Lia Postada
 Title: F. B. I. Agent
 Place of Employment: United States Government
- B. Defendant: "19 Unknown" Names
 Title: F. B. I. Agents
 Place of Employment: United States Government
- C. Defendant: _____
 Title: _____
 Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N-A
- B. Approximate date of filing lawsuit: N-A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Amador Hernandez
- D. List all defendants: ① M. Lia Postada
② "19 Unknown" F.B.I. Agents
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois, Eastern Division
- F. Name of judge to whom case was assigned: N-A
- G. Basic claim made: The Fourth; The Fifth; The Sixth; and the Fourteenth Amendments of the Federal Constitution Violations committed by F.B.I. Agents
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): New case opening
- I. Approximate date of disposition: N-A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

On the date of May 26, 2005 F.B.I. Agents did not present a search warrant at address of 2635 South Trumbull, Chicago IL 60623. The twenty F.B.I. Agents of which only one name is known by the Plaintiff, subsequently harassed, intimidated, and threatened the Plaintiff and family members inside their home. The Plaintiff was taken into custody by the F.B.I. Agents. Plaintiff complained of chest pains, then informed the Agents of recent heart operation, and sent to the hospital two hours later. A day later after being released from the hospital Agents allowed Plaintiff to go home. Upon returning home Plaintiff noticed the damages to his home. The Agent told the Plaintiff to fill out a damage report and send it in. Two months later the Plaintiff's Attorney received a letter offering 400 dollars for damages. The damages are as reported.

- ① All three entry doors to the house
- ② Seven interior doors, three on the first floor, three in the basement, and 1 in the attic.
- ③ Eight lamps
- ④ Cutup and torn carpets in several rooms.

- ⑤ Damaged walls from drug sniffing dogs.
- ⑥ Damaged water heater by knocking it over causing water damage to wooden floors, carpets, and walls.
- ⑦ Cut open 2 beds to look inside them.
- ⑧ Broken furniture including mirrors in two rooms.

Based upon the above facts the F.B.I. Agents violated the Plaintiff, Amador Hernandez's Fourth; Fifth; Sixth; and Fourteenth Amendment rights to the United States Constitution; *Mapp v. Ohio*, (1968) United States v. *Hodges*, 3156 F.3d 794 (7th Cir. 2003) *Almendarez Torres v. United States*, 523 US 224, 140 L.Ed 2d 350, 118 S.Ct. 1219 (1998).

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

A.) Judgment against Defendant's, the United States F.B.I. Agents
For compensatory damages as shall be Proven at time of
Trial;

(B.) Attorney's Fees and Plaintiff's costs herein;

(C.) Such other relief as this Court deems necessary
and just under the premises;

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 11 day of August, 20 08



(Signature of plaintiff or plaintiffs)

Amador Hernandez

(Print name)

22382-424

(I.D. Number)

Metropolitan Correctional Center

71 West Van Buren

Chicago, Illinois 60605

(Address)